REMARKS/ARGUMENTS

Status of Claims

Claims 1-18 stand rejected.

Claims 1-3, 7, and 9 are currently amended.

Claims 4-6, 8, and 10-18 are hereby canceled.

Claims 19-35 are new.

As such, original claims 1-3, 7, 9, and new claims 19-35 are currently pending in the application.

The Applicant hereby requests further examination and reconsideration of the presently claimed application.

Claim Rejection – 35 U.S.C. § 103

Claims 1-6 and claims 11-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0103210 (*Fujii*) in view of U.S. Patent 6,535,491 (*Gai*). Claims 7-10 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 7,058,009 (*Skirmont*) in view of *Fujii*. Claims 4-6, 8, and 10-18 are hereby canceled, claims 2 and 3 depend from independent claim 1, and claim 9 depends from independent claim 7. Thus claims 1-3 stand or fall on the application of the combination of *Fujii* and *Gai* to independent claim 1, and claims 7 and 9 stand or fall on the application of the combination of *Skirmont* and *Fujii* to independent claim 7. The United States Supreme Court in *Graham v. John Deere Co. of Kansas City* noted that an obviousness determination begins with a finding that "**the prior art as a whole in one form or another contains all**" of the elements of **the claimed invention**. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966) (emphasis added). The Applicant respectfully asserts that the cited prior art fails to

disclose each and every element of independent claims 1 and 7, and consequently fails to render obvious claims 1-3, 7 and 9.

The combination of *Fujii* and *Gai* fails to render obvious claim 1-3 because the combination of *Fujii* and *Gai* fails to disclose a first relationship between the data packet identifier and the destination port in the first routing table and a second relationship between the destination port and the transmitting port in a second routing table, or that the transmitting port is used to transmit other data packets regardless of whether a failure is associated with the destination port. Claim 1 reads:

> 1. A method, comprising:
>   receiving a data packet comprising a data packet identifier;
>   identifying a destination port corresponding to the data packet identifier from a first routing table, wherein there is **a first relationship between the data packet identifier and the destination port in the first routing table**; and
>   transmitting the data packet via a transmitting port corresponding to the destination port based on **a second relationship between the destination port and the transmitting port in a second routing table**, wherein **the transmitting port is used to transmit other data packets regardless of whether a failure is associated with the destination port**.

(Emphasis added). As shown above, claim 1 recites a first relationship between the data packet identifier and the destination port in the first routing table and a second relationship between the destination port and the transmitting port in a second routing table, and that the transmitting port is used to transmit other data packets regardless of whether a failure is associated with the destination port. In contrast, *Fujii* only discloses a single table that correlates his connections:

> FIG. 4 shows an example of the backup connection information table 151. **The backup connection information table has path identifiers of the currently-used paths** set on the transmission network 2 (such as the path P1 and the path P2) and **information of backup connections to be set when a failure has occurred to each currently-used path** (in this case, information of SNCs included in backup routes (such as SNC4 and SNC5)).

Fujii, ¶ 53, ll. 1-8 (emphasis added). As shown above, *Fujii* only discloses a single table that correlates his currently used paths and his backup paths. Thus, *Fujii* fails to disclose a first relationship between the data packet identifier and the destination port in the first routing table and a second relationship between the destination port and the transmitting port in a second routing table. In addition, *Fujii* discloses that his backup port is not used to transmit data packets until a failure occurs:

> Paths are classified into "currently-used paths (currently-used routes)" to be set and used when no failure is occurring to the paths and "backup routes (backup paths or alternative routes)" to be set and used **instead of the currently-used paths** when failures have occurred to the currently-used paths. In FIG. 2, a backup route B1 is indicated by the dotted line, that passes the nodes N7/N4/N5/N6/N9 and is used instead of the currently-used path P1 when a failure has occurred to the link L11 included in the currently-used path P1.

Fujii, ¶ 44, ll. 2-12 (emphasis added). As shown above, *Fujii* discloses that his paths are either currently used paths or backup paths, but not both. Thus, *Fujii* fails to disclose that the transmitting port is used to transmit other data packets regardless of whether a failure is associated with the destination port. *Gai* does not make up for the shortcomings of *Fujii* as *Gai* also fails to disclose a first relationship between the data packet identifier and the destination port in the first routing table and a second relationship between the destination port and the transmitting port in a second routing table, or that the transmitting port is used to transmit other data packets regardless of whether a failure is associated with the destination port. As such, the combination of *Fujii* and *Gai* fails to disclose at least one element of independent 1, and consequently fails to render obvious claim 1-3.

The combination of *Skirmont* and *Fujii* fails to render obvious claims 7 and 9 because the combination of *Skirmont* and *Fujii* fails to disclose a first relationship between the data packet

identifier and the destination port in the first routing table and a second relationship between the

destination port and the transmitting port in a second routing table. Claim 7 reads:

> 7. A network device, comprising:
>   a processor;
>   a first routing unit; and
>   a second routing unit,
>   wherein the processor is configured to communicate with the first routing unit and the second routing unit;
>   wherein the first routing unit is configured to save **a first relationship between a data packet identifier and a destination port in a first routing table**, identify the destination port corresponding to the data packet identifier from the first routing table after receiving a data packet; and
>   wherein the second routing unit is configured to save **a second relationship between the destination port and a transmitting port in a second table**, and transmit the data packet via the transmitting port corresponding to the destination port based on the second relationship.

(Emphasis added). As shown above, claim 7 recites a first relationship between the data packet

identifier and the destination port in the first routing table and a second relationship between the

destination port and the transmitting port in a second routing table. In contrast, *Skirmont* only

discloses a single table that correlates his ports:

> Three columns are shown in the table of FIG. 6, **a first column indicating each port on the card,** a second column with an entry for whether the port is active (meets performance standard) or faulty, and **a third column with a redirect tag number**. The status column may be a single bit, for example, with a 1 indicating active and a 0 indicating fault (or vice versa), and the redirect tag is a destination tag for a standby port for each port. In some cases the redirect will be the same for all line entries, and in other cases the redirect may be different for each line entry.

Skirmont, col. 5, ll. 6-15 (emphasis added). As shown above, *Skirmont* only discloses a single

table that correlates his ports and his redirect ports. Thus, *Skirmont* fails to disclose a first

relationship between the data packet identifier and the destination port in the first routing table

and a second relationship between the destination port and the transmitting port in a second

routing table. As explained above, *Fujii* also fails to disclose a first relationship between the data

packet identifier and the destination port in the first routing table and a second relationship between the destination port and the transmitting port in a second routing table. As such, the combination of *Skirmont* and *Fujii* fails to disclose at least one element of independent 7, and consequently fails to render obvious claims 7 and 9.

New Claims

New claims 19-35 recite novel and non-obvious aspects of the invention not disclosed by the cited prior art. Support for new claims 19-35 is found in paragraphs 4, 25, 35, and 44 of the specification. Thus, claims 19-35 do not contain any new matter. Claims 19-24 depend from claim 1, and claims 25-33 depend from claim 7. Claims 1 and 7 are allowable over the cited prior art for the reasons given above, and thus claims 19-33 are also allowable over the cited prior art. In addition, claims 34 and 35 are allowable over the cited prior art because the cited prior art fails to disclose a device comprising a first routing unit configured to save a first relationship between a data packet identifier and a destination port in a first routing table, and a second routing unit configured to save a second relationship between the destination port and a transmitting port in a second routing table.
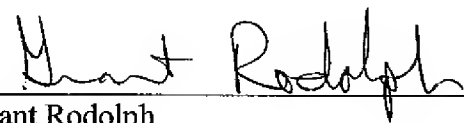
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by the Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated June 23, 2009 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 8/24/09

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